

REMARKS

Claims 1-6, 8, and 21-31 have been rejected under 35 U.S.C. 102(b) as anticipated by Paye, U.S. Patent No. 1, 177, 893. In order to expedite prosecution of the subject patent application, Applicants have canceled Claims 1-20 without prejudice or disclaimer. With respect to the remaining claims subject to this rejection, Applicants respectfully submit that these claims, as amended (and newly added Claim 48-51), are not anticipated by Paye.

Paye describes means for mounting ornamental heads, gem settings or the like on hat-pins, scarf-pins, girdle-pins and other similar articles. Column 1, lines 9-14. There is no description, suggestion or motivation for the pin to be "dimensioned" in any particular manner.

By contrast, Applicants' bouquet jewels are for use in a bouquet of flowers. In this regard, Applicants have amended Claim 21 to clarify that the post is dimensioned such that the bouquet insertion end is proximate the stems and the display end is proximate the flower heads in the bouquet. Such "dimensioned for..." language was deemed a definite structural limitation in Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F. 2d 1565 (Fed.Cir. 1986). Therefore, Applicants disagree with the assertion in the Office Action that the bracketed language is an example of intended use only. Applicants desire to make clear

that the claimed structure is for use with a flower bouquet and that the reference to the "dimensioned for..." language should be given patentable weight. As shown in Figure 1, the bouquet jewels are designed to give the illusion that the jewels are floating among the flowers (Specification, p. 9, lines 1-3). No consideration at all is given to the length of the pin in Paye and thus Paye does not anticipate independent Claim 21 or Claims 22-31 which are dependent thereon.

Independent Claim 21 is also not anticipated by Paye because in Paye, a seat member or plate D is attached to the butt end of the stem P. The gem or ornament is set in place with its bottom or flat face abutting the top of the plate D. A member C holds the gem in place against the top of the plate D. The rim of member C is bent in or formed over the beveled edge of the gem in place against the top of the plate. This arrangement is shown best in Figure 2.

Paye also describes a similar arrangement for use with a faceted stone cut with a more or less pointed underside. For such a gem, the seat member E is made in the form of a conical cup adapted to conform to the convex under side of the stone S with a fastening member B of corresponding concavity to fit snugly against the outer surface of the seat member E. As with member C, member B has a flanged rim adapted to be turned over the edge of the stone S or a plurality of prongs could be formed on the rim of

member B to be bent down against the upper facets of the stone. Column 3, lines 34-55. Such an arrangement is shown in Paye, Figure 5.

In both Paye embodiments, a seat member conforms to the underside of the stone with a fastening member B or C of corresponding shape fitting snugly against the outer surface of the seat member. There is no corresponding structure in Applicants' claimed bouquet jewels. As shown in Applicants' Figures and as now claimed, Applicants' settings define an open bottom which exposes the underside of the jewel with the post substantially offset. The open bottom may be spaced apart from the underside of the jewel. Thus, there is no seating member or otherwise that completely abuts the underside of the gem as in Paye nor any type of fastening member that fits against the outer surface of the seating member.

Applicants have also amended Claim 21 to include the features of the setting defining a plurality of apertures exposing the sides of the jewel and defining a plurality of prongs that extend in a substantially upward and substantially perpendicular direction and that are meant to secure the jewel within the setting. New independent Claim 49 also adds the feature of the prong being in an offset position relative to the jewel to provide optimal light reflection. Such amendments are supported by Figs. 5A-7B and other areas of the Specification.

Neither Paye, nor any other reference cited by the Examiner teaches each and every element claimed by the Applicants. None of the references disclose a bouquet jewel having an open bottom exposing the underside of the jewel, a plurality of apertures exposing the sides of the jewel, and a plurality of prongs extending in a substantially upward and substantially perpendicular direction. Nor do they disclose a bouquet jewel having an open bottom which exposes the underside of the jewel with the post being in an offset position with respect to the jewel. Therefore, amended Claim 21, new Claims 49 and 51, and the claims dependent thereon are not anticipated.

Based on the foregoing, all of the pending claims should be allowed. Favorable reconsideration and withdrawal of the rejections set forth in the above-noted Office Action are requested.

If there are any fees incurred by this Amendment Letter, please deduct them from our Deposit Account No. 23-0830.

Respectfully submitted,



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